

REMARKS

Claims 1-30 are pending in this application. The claims have been amended as indicated about and support for the amendments can be found at pages 6-8 of the original specification.

Specification

The Office has noted that the specification contains the use of trademarks that have not been designated as such. In response, Applicant has amended the specification to correct this oversight. Applicant notes that the Office pointed out that the word “FireWire” has been used in the specification. Applicant could not find where that word had been used in the specification. Applicant noted that the phrase “802.11” has been used in paragraph [0051], but the undersigned could not determine whether that phrase was a registered trademark.

Rejection Under 35 U.S.C. § 112

Claims 6, 7, 10-11, 14, 17, 20-21, and 24 have been rejected under 35 U.S.C. § 112 ¶ 2 for the reasons noted on page 2 of the Office Action. Applicant respectfully disagrees since the skilled artisan would have understood the metes and bounds of the claimed invention of these claims in light of the specification.

Solely in effort to expedite prosecution, however, Applicant has amended these claims. Applicant accordingly respectfully requests withdrawal of this ground of rejection.

a housing containing an x-ray source and an internal power source;

controllable display means; and

detecting means structurally unattached to the housing.

Rejection Under 35 U.S.C. § 102

Claims 1-2, 4, 6, 8-10, 12, 13, 15-16, 18-19, and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Skillicorn et al. (U.S. Patent No. 5,077,771) for the reasons noted on pages 2-4 of the Office Action. Applicant respectfully traverses this rejection.

The amended claims contain the limitation that the integrated power system contains an internal power source. The Office argues that Skillicorn et al. teach a portable x-ray device with an integrated power system, citing to column 3, lines 42-52.

But the Office has not substantiated that the integrated power system contains an internal power source. Column 3, lines 42-52 of Skillicorn et al. describes an x-ray device 10 containing a power system with an integral generator system. The x-ray device 10 contains a power and control cable 22 leading to a suitable, low-voltage high-current power source such as a 28 volt storage battery provided alone or within a vehicle or aircraft system. *See column 6, lines 27-32.* In light of such a disclosure, the skilled artisan would have understood that the power source in the device 10 of Skillicorn et al. is not an internal power source.

Nor has the Office shown the claimed limitation that the internal power source can be removed from the housing. Indeed, it would be difficult for the Office to show such a feature in the device 10 of Skillicorn et al. since the power source is external to the device (10) and connected via a cable (22).

Thus, the Office has not shown that Skillicorn et al. anticipate each and every limitation in the amended claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 103

Claims 7, 11, 14, 17, and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skillicorn et al. in view of Oettinger et al. (U.S. Application No. 20050018817) for the reasons noted in pages 4-6 of the Office Action. Applicant respectfully traverses this rejection.

The Office contends that Skillicorn et al. describe most of the claimed limitations, but recognizes that this reference does not describe a plurality of power supplies with each power supply providing a power of about 20kV to about 50kV. The Office argues that Oettinger et al. teach a portable x-ray device that contains an integrated power system that comprises a plurality of power supplies in the form of batteries. The Office concludes that it would have been obvious to the incorporate the plurality of power supplies of Oettinger et al. in the system of Skillicorn et al. in order to provide a light-weight and compact power source that is portable.

Applicant respectfully disagrees with both the interpretation of Oettinger et al., as well as its combination with Skillicorn et al. as proposed by the Office. As to Oettinger et al., the Office first argues that batteries are known to be used as a power supply and are capable of providing a power ranging from about 20kV to about 50kV. Applicant respectfully disagrees. As recognized by the Office, Oettinger et al. describe that the device is powered by a low voltage source such as a battery. But a standard battery only provides a power in the range of volts, not kilovolts. Indeed, Oettinger et al. discuss that the power supplied to the device 10 ranges from +4 volts to +10 volts, and specifically mentions a battery. *See paragraph [0095]*. This description would be consistent with the earlier disclosure that the unit 400 is powered by a low voltage power and

control circuit on PCB 700 that obtains electrical power from a standard battery included thereon. *See paragraph [0034]*. Thus, the skilled artisan would have recognized that the batteries of Oettinger et al. do not provide a power of 20kV to about 50kV.

Applicant also disagrees that the Office has substantiated that Oettinger et al. describe a plurality of power supplies. While Oettinger et al. describe that a plurality of power sources (i.e., batteries) can be used in the Abstract, this fails to show that Oettinger et al. describe that a plurality of power supplies can be used. Indeed, the Figures consistently show only a single high voltage power supply component 118. *See, for example, Figures 1, 2e, 3a, and 4c.*

Further, the Office has not substantiated that the battery of Oettinger et al. is an internal power source, as currently claimed. The Office argues that the portable x-ray device 10 contains a housing (600, 700, 800) and an integrated power system (118). But neither 700 nor 800 are designated as a housing by Oettinger et al. Rather, Oettinger et al. describe that device 10 contains a cable 800 that connects the PCB 700 (which is connected to a battery) to the unit 400. *See paragraph [0034]*.

Thus, the Office has not substantiated that Oettinger et al. described a plurality of power supplies. The Office has already admitted that Skillicorn et al. do not disclose such a feature. And for the reasons noted above, the Office has not substantiated that either Skillicorn et al. or Oettinger et al. describe an internal power source. And since the Office has not shown that either reference alone teaches these two limitations, it would be unlikely that the Office could substantiate that their combination would disclose either—let alone both—of these limitations.

Even if the Office could substantiate that these references combined describe all of the claimed limitations, the Office has not shown that the skilled artisan would have been motivated to combine them in the proposed manner. Oettinger et al. describes that the high voltage power

supply component 118 can produce a maximum voltage of 35kV to 40kV. *See paragraphs [0045, 0046, and 0048].* At the same time, Skillicorn et al. describe that conventional systems were limited to generating x-ray energy from high voltage levels of no greater than 50kV. *See column 1, lines 34-38.* But such lower power levels failed to provide satisfactory images, particularly in dental and chest x-ray applications. *See column 1, lines 39-42.* Accordingly, Skillicorn et al. operate their device at a voltage of 50kV through 70kV. *See column 6, lines 39-41 and column 9, lines 25-48.* Based on this information, the skilled artisan would have been motivated against using the power supply of Oettinger et al. with Skillicorn et al. because it would not provide sufficient energy. Indeed, substituting the power supply of Oettinger et al. in the device of Skillicorn et al. would make it operate at lower energy levels, making Skillicorn unsatisfactory for its intended purpose of providing satisfactory images. Accordingly, the skilled artisan would not have been motivated to combine the references as proposed by the Office. *See M.P.E.P. § 2143.01(V).*

Thus, the Office has not shown that the combined references teach or suggest every limitation in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 103

Claims 3 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skillicorn et al. et al. in view of Schulze-Ganzlin et al. (U.S. Patent No. 5,514,873) for the reasons noted in pages 6-7 of the Office Action. Applicant respectfully traverses this rejection.

The Office recognizes that Skillicorn et al. fail to disclose that the detecting means electrically communicates with the x-ray device using wireless technology of that x-rays can impinge on the teeth of a patient. The Office argues that these limitations would have been obvious in light of the disclosure of Schulze-Ganzlin et al.

The Office, however, has not met its burden to show that the combined prior art teaches or suggests each and every claim limitation. *See M.P.E.P. § 2143*. As detailed above, the Office has not shown that Skillicorn et al. disclose an internal power source. And since the Office has not shown that Schulze-Ganzlin et al. teach such a limitation, it would difficult for the Office to show that the combined references describe this limitation in the amended claims.

Thus, the Office has not shown that the combined references teach or suggest every limitation in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 103

Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skillicorn et al. et al. and Schulze-Ganzlin et al., and further in view of Oettinger et al., for the reasons noted in pages 7-8 of the Office Action. Applicant respectfully traverses this rejection.

The Office recognizes that Skillicorn et al. and Schulze-Ganzlin et al. fail to disclose a plurality of power supplies. The Office argues that these limitations would have been obvious in light of the disclosure of Oettinger et al.

The Office, however, has not met its burden to show that the combined prior art teaches or suggests each and every claim limitation. *See M.P.E.P. § 2143*. As detailed above, the Office

has not shown that Skillicorn et al. and Schulze-Ganzlin et al. disclose an internal power source. Further the Office has admitted that Skillicorn et al. and Schulze-Ganzlin et al. do not each a plurality of power supplies. And since the Office has not substantiated that Oettinger et al. teach either an internal power source or a plurality of power supplies, it would difficult for the Office to show that the combined references describe these limitations in the amended claims.

Thus, the Office has not shown that the combined references teach or suggest every limitation in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Rejection Under 35 U.S.C. § 103

Claims 25-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skillicorn et al. in view of Malcolm et al. (U.S. Patent No. 4,979,198), for the reasons noted in pages 8-9 of the Office Action. Applicant respectfully traverses this rejection.

The Office, however, has not met its burden to show that the combined prior art teaches or suggests each and every claim limitation in the amended claims. *See M.P.E.P. § 2143*. As detailed above, the Office has not shown that Skillicorn et al. disclose an internal power source. And since the Office has not shown that Malcolm et al. describes this limitation, it would difficult for the Office to show that the combined references describe this limitation in the amended claims.

Thus, the Office has not shown that the combined references teach or suggest every limitation in the rejected claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.


CONCLUSION

For the above reasons, Applicant respectfully requests the Office to withdraw the pending grounds of rejection and allow the pending claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

By:


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